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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,959	04/16/2004	Lawrence Alexander Hruschak	44-03	8213

23713 7590 03/06/2006

GREENLEE WINNER AND SULLIVAN P C
4875 PEARL EAST CIRCLE
SUITE 200
BOULDER, CO 80301

EXAMINER

TOLAN, EDWARD THOMAS

ART UNIT PAPER NUMBER

3725

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/825,959	Applicant(s) HRUSCHAK ET AL.	
	Examiner Edward Tolan	Art Unit 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-32 and 35-43 is/are allowed.
- 6) ☒ Claim(s) 33 and 34 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8-3-2004</u> . | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Election/Restrictions

Applicant's arguments filed 12-20-2005 concerning the restriction requirement between groups I and III have been accepted and claims 42 and 43 will be examined with group I claims. In addition the Examiner withdraws the restriction requirement between groups I and II.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moss et al. (2,358,873) in view of Jenkin (4,076,136). Moss discloses rollers (12,22,23) on supports (10,16,17) which are used to contact an outer surface of a rotating slotted tubular member (29) in order to seam slots (35) in the pipe. A downward force is applied by the seaming rollers (page 2, column 2, lines 8-10). Moss does not disclose that the force is maintained by an accumulator. Jenkin teaches (column 4, lines 34-39) that it is known to use an accumulator to absorb fluctuations in a position of rollers (12,13) while maintaining a constant force applied to a pipe (15). The rollers are forced by hydraulic cylinders (30) connected to a common source of pressure. It would have been obvious to one skilled in the art at the time of invention to substitute the hydraulic

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force maintaining means as taught by Jenkin for the threaded means of Moss in order to maintain a specified seaming force on the rollers.

Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moss et al. (2,358,873) in view of Przybyla et al. (4,312,207). Moss discloses rollers (12,22,23) on supports (10,16,17) which are used to contact an outer surface of a rotating slotted tubular member (29) in order to seam slots (35) in the pipe. A downward force is applied by the seaming rollers (page 2, column 2, lines 8-10). The rollers are moved longitudinally over the member as it is rotated. Moss does not disclose that the rollers are fixed in relation to a longitudinally moving and rotating pipe. Przybyla teaches that it is known to provide rollers that are fixed in relation to a moving pipe. The rollers are forced against the pipe by a piston rod (3) and slider (12) fixed on a support (1). It would have been obvious to one skilled in the art at the time of invention to fix the supports of Moss as taught by Przybyla in order to provide a stable rolling reaction force as the pipe is rotating.

Allowable Subject Matter

Claims 1-32 and 35-43 are allowed. The prior art of record does not disclose, in a method and apparatus for forming slotted tubular member having a plurality of slots by a seaming roller(s), a first detector for detecting a width of the slots to generate a width detection signal, a comparator for comparing the signal to a set value indicative of a desired end slot width to generate a correction signal and an adjustor connected to the comparator and seaming roller to vary a force applied by the roller to the plurality of slots in response to the correction signal.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Ed Tolan whose telephone number is 571-272-4525.

EDTOLAN
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Ed Tolan', is written below the printed name and title.